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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,342	11/13/2001	Richard Sean Dalby	15362.1.2.1	3458

21552 7590 11/16/2005

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EXAMINER

DINH, DUNG C

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/008,342

Applicant(s)

DALBY ET AL.

Examiner

Dung Dinh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-23 and 28-30 is/are allowed.
- 6) ☒ Claim(s) 31 is/are rejected.
- 7) ☒ Claim(s) 24-27 and 31 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/21/02</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claims 1-31 are pending for examination

Claim objections

Claim 24, it is unclear if 'a termination attribute' on line 18 is referring to 'a termination attribute' recited earlier on line 7. Correction is required.

Claim 31, line 7, 'the server' lacks proper antecedent basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 31 is rejected under 35 U.S.C. 102(e) as being anticipated by Nguyen et al. Pub. No. US 2005/0209914.

As per claim 31, Nguyen teaches computer program product (inherent) implementing, in a network computer, a method for creating an announcement (event marketing) directed to

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recipients based upon one or more attributes associated with the recipients (fig.4 participant parameters 62), the computer program product comprising executable instruction (a browser program) for causing a client computer to perform the acts of:

transmitting to a server (page 1 paragraph [0010]) request for a graphical user interface (web page), the interface comprising a template (fig.4 (56)) for creating an electronic announcement, the template containing:

an attribute selection field (fig.4 Participant Parameters (64));

a delivery information field (fig.4 forwarding format (64))

a subject and message field (fig.4 (56) and (58) - e.g. the content or description about the event);

receiving from the server the requested template (inherent from [0010] when a user access the event marketing online tools website);

transmitting to the server the completed template (inherent when the user completed creating the event page), the template thereafter used by the server to generate an electronic announcement which is transmitted to one or more recipients having the selected attributes (fig.1 step 14).

Allowable Subject Matter

Claims 1-23, 24-27, 28-29, 30 are allowable.

Regarding claims 1, 24, and 30, the prior art does not teach nor reasonably suggest an electronic announcement system or computer program product as claimed where a server transmits an announcement to recipients matching attributes selected by the announcement's author and persistently displays the announcement until a terminate attribute defined by the author is met.

Regarding claim 28, the prior art does not teach nor reasonably suggest an electronic announcement system as claimed where an announcement is displayed on personalized web page of selected recipients until the occurrence of a termination event defined by the announcement's author.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Dinh whose telephone number is (571) 272-3943. The examiner can normally be reached on Monday-Friday from 7:00 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached at (571) 272-3949.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through

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Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Dung Dinh
Primary Examiner
November 9, 2005